

STATE OF MINNESOTA  
IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

C9-85-1506

APR 14 1998

**FILED**

**In re Fifth District  
Judicial Vacancy**

Terminating Judicial Position in the  
Fifth Judicial District  
Transferring Judicial Position to the  
First Judicial District

**WHEREAS**, pursuant to the provision of Minnesota Statutes § 2.722, subd. 4 (1984, 1990) the Supreme Court is authorized to continue, abolish, or transfer judicial positions which are vacated upon the death, resignation, retirement, or removal from office of incumbent judges, and after having considered the application of the weighted caseload study to the judicial needs, and

**WHEREAS**, Governor Arne Carlson notified the Supreme Court that a vacancy will occur in the Fifth Judicial District as a consequence of the mandatory retirement of the Honorable Richard L. Kelly effective July 31, 1998; and

**WHEREAS**, having consulted with the Fifth Judicial District judges and having considered the application of the weighted caseload study to the judicial needs of the Fifth Judicial District and the relative judicial need of other judicial districts:

**IT IS HEREBY ORDERED THAT:**

1. The vacancy in the judicial position occasioned by the retirement of the Honorable Richard L. Kelly be, and hereby is, terminated in the Fifth Judicial District.
2. The judicial position terminated in the Fifth Judicial District by the operation of this order be, and hereby is, transferred to the First Judicial District, effective upon the assumption of office by the person appointed to fill the vacancy occasioned by Judge Kelly's retirement, and
3. The vacancy transferred to the First Judicial District be, and hereby is, certified to the Governor as a district court judgeship chambered in McLeod County to be filled in the manner provided by law.

Dated: April 14, 1998

**BY THE COURT**

  
Kathleen A. Blatz  
Chief Justice